



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,698	02/02/2000	ANDREW D. Simchik	XXT-036CP	6586

7590 01/19/2005  
Patrick R Roche  
Fay, Sharpe, Fagan, Minnich & McKee LLP  
1100 Superior Avenue  
7th Floor  
Cleveland, OH 44114-2518

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/496,698	<b>Applicant(s)</b> SIMCHIK ET AL.	
	<b>Examiner</b> Joseph R. Pokrzywa	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>20050114</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 12/14/04, and has been entered and made of record. Currently, **claims 8-12** are pending.

### *Response to Arguments*

2. Applicant's request for reconsideration of the finality of the rejection of the Office dated 7/14/04 is persuasive and, therefore, the finality of that action is withdrawn. Applicant's response dated 12/14/04 incorporated features of claim 11 into independent claim 8. Thus, applicant's arguments, with respect to the previous rejection of claim 11, cited as being anticipated by Robertson *et al.* (U.S. Patent Number 6,507,410), have been fully considered and are persuasive. Therefore, the rejection under 35 U.S.C.102(e) of amended claims 8-12 have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kraft, IV (U.S. Patent Number 5,870,767).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 8-12** are rejected under 35 U.S.C. 102(e) as being anticipated by Kraft, IV (U.S. Patent Number 5,870,767).

Regarding **claim 8**, Kraft, IV discloses a method suitable for use with a printing system (see abstract) for dynamically linking content present in a page in a network with a document (see Figs. 7 and 8), wherein the page is updated automatically without further user interaction (steps 142-148 in Fig. 8), the method comprising the steps of inserting a link into the document, the link corresponding to a page present in the network, wherein the page includes a web page (see abstract, and Figs. 7 and 8), launching a web browser in response to the link (column 7, lines 1-63, and step 138), retrieving the page from the network (column 5, line 32-column 6, line 23, steps 140-142), and converting the page into an image file suitable for insertion into the document (column 7, lines 15-39), and automatically inserting the existing link into the document to retrieve periodically changing content associated with the web page for subsequent incorporation into the document (column 7, line 40-column 8, line 24, see Fig. 8, whereby the process of Fig. 8 can be continually performed using the existing link after the “yes” at step 150).

Regarding **claim 9**, Kraft, IV discloses the method discussed above in claim 8, and further teaches that the step of inserting a link comprises the step of inserting a uniform resource locator (URL) into the document (see Fig. 7, and column 5, line 59-column 6, line 43), and wherein the step of launching comprises the step of launching a web browser, wherein the URL corresponds to a web page in the network (column 7, lines 1-49).

Regarding **claim 10**, Kraft, IV discloses the method discussed above in claim 8, and further teaches that the step of converting comprises the step directly inserting the image file into the document (see Fig. 7).

Regarding *claim 11*, Kraft, IV discloses the method discussed above in claim 8, and further teaches that the page includes a web page and the browser includes a web browser (column 5, line 59-column 6, line 23), further comprising the step of automatically, dynamically inserting the link into the document to dynamically retrieve content associated with the web page for subsequent incorporation into the document (column 7, line 40-column 8, line 24, see Fig. 8, whereby the process of Fig. 8 can be continually performed using the existing link after the “yes” at step 150).

Regarding *claim 12*, Kraft, IV discloses the method discussed above in claim 8, and further teaches of the step of repeating the steps of inserting, launching, retrieving, and converting as a function of the number of links inserted into the document (see Fig. 8, whereby the process of Fig. 8 can be continually performed using the existing link after the “yes” at step 150).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrp

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622

